

**KALISON, MCBRIDE, JACKSON & MURPHY, P.A.**

**COUNSELLORS AT LAW**

**ROBERT B. HILLE**

Certified By The Supreme  
Court Of New Jersey As A  
Civil Trial Attorney  
Member of NJ & NY Bars

Direct Dial  
(908) 394-6053

The Helmsley Building  
230 Park Avenue  
10<sup>th</sup> Floor  
New York, NY 10169  
(212) 309-8726

300 Motor Parkway  
Suite 200  
Hauppauge, NY 11788  
(631) 439-6874

25 Independence Boulevard  
P.O. Box 4990  
Warren, NJ 07059  
(908) 647-4600

[www.knjmlaw.com](http://www.knjmlaw.com)

E-Mail  
[rhille@knjmlaw.com](mailto:rhille@knjmlaw.com)

Telecopier  
(212) 808-3020

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/4/08

February 1, 2008

Honorable Victor Marrero, U.S.D.J.  
United States Courthouse  
500 Pearl Street  
New York, NY 10007

**RE: Wausau Underwriters Ins. Co., et al. v. QBE Ins. Corp., et al**  
**Civil Action No.: 06 Civ. 3212 (VM)**

Dear Judge Marrero:

In response to Mr. Potashner's February 1, 2008 correspondence in the above, QBE objects to the relief sought therein as not sanctioned by the Federal Rules of Civil Procedure nor contemplated by the Court's latest instruction. Plaintiffs are unilaterally requesting that the Court make a new ruling without any further right of submission by QBE.

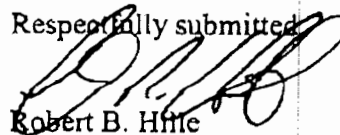
The Court has clarified its ruling and all parties acknowledge its scope. No further elaboration is necessary.

Furthermore, plaintiffs did not include Scottsdale in their earlier motion and thereby deprived the Court of the ability to perform the appropriate analysis as to all policies. Thus, the record is insufficient to make the findings which plaintiffs now seek.

Any further relief should follow permission by the Court to make a formal application with all parties given an opportunity to respond.

Since plaintiffs' request does not seek leave to file a formal application, the request for *sua sponte* relief should be denied.

Request GRANTED. A status conference herein is scheduled for 2-15-08 at 9:15 a.m. to address the matter described above by <u>Defendants</u>
SO ORDERED.
2-1-08
DATE
VICTOR MARRERO, U.S.D.J.

Respectfully submitted  
  
Robert B. Hille